

COUNCIL MINUTES
JULY 22, 2015

The City Council held a meeting on Wednesday, July 22, 2015, at 5:30 p.m., in the Council Chambers, 10 North Main Street, Cedar City, Utah.

MEMBERS PRESENT: Mayor Maile Wilson; Councilmembers: Ron Adams; John Black; Paul Cozzens; Don Marchant; Fred Rowley.

STAFF PRESENT: City Manager Rick Holman; City Attorney Paul Bittmenn; City Engineer Kit Wareham; City Recorder, Renon Savage; Finance Director Jason Norris; Police Chief Robert D. Allinson; Fire Marshal Mike Shurtz; Economic Development Director Danny Stewart; Public Works Director Ryan Marshall; Economic Development Coordinator Cameron Christensen; Events Coordinator Bryan Dangerfield.

OTHERS PRESENT: Kip Hansen, Craig Isom, Barbara Imlay, Wade Grimm, Robin Haight, Terri Hartley, Heath Oveson, Corey Baumgartner, Haven Scott, Shalene Griffin, Tom Jett, Paul Monroe, Ron Larsen, Merilyn Pryor, Scott Jolley, Carl Hall, Kathleen Hall, R. Scott Phillips, Dylan French, Justin Edwards

CALL TO ORDER: Councilmember Black gave the invocation; the pledge was led by Jason Norris.

AGENDA ORDER APPROVAL: Councilmember Adams moved to approve the agenda order; second by Councilmember Marchant; vote unanimous.

ADMINISTRATION AGENDA – MAYOR AND COUNCIL BUSINESS; STAFF

COMMENTS: ■Rowley – the Aquatic Center flag was not at half-staff, I got that changed, are the rest of the city flags down. I was at the old Coke Plant/recycle place, it is still a mess. Rick – I know Solid and Hazardous Waste has been down and talked with the owner and they didn't give him a time. I don't know of his intentions yet. Rowley – when I was there a man came with a television for recycling, he got the information from the Deseret Industries. Also, I am curious if the Shakespearean Festival share the zip codes with us of where people come from. Mayor – they have that information, I could request that information. ■Black – last week I served on an interview board at the Fire Department, what a tremendous group of firefighters we have, I was impressed with the interviews. In 40+ years in governmental services, I have not seen an HR person better than Natasha. We are getting really good at getting quality interviews. Last Friday I drove around to watch the solid waste operators, they deserve a thanks, they stayed busy and on task and did a great job. We push the unglamorous things out of our mind. ■Mayor – the City Office is closed Friday for Pioneer Day. Parade line up is 9:30a.m. The program is at 8:00 a.m. at the Rock Church. Also, the Shakespeare Festival tickets for the last 3 nights at the closing of Adams Theatre they will be doing a ta da. The tickets are quickly selling out; if you are interested in attending you need to look at purchasing your tickets. The Mystery show they couldn't announce is Mary Poppins for 2016. There is no City Council next week. ■Business Update – Danny Stewart: We are

affiliated with EDC Utah and many times when companies are looking to expand in the West they go to this group and they put request for information to the communities. We reply to those often. In July we have had more than normal, we have already done 5 this month and we have had responses back by some of them. They have code names. Marchant – what type of businesses? Some agricultural, some manufacturing, sometimes they will tell us number of employees, they are 50 – 200 employees, one has multiple options on property. People are looking and hopefully they are ready to move. Some of the project names are Project Needle, Project Power, Project Marvel. ■Employee of the Month, Cameron Christensen – EAC: Danny Stewart – Cameron is EOM, he works in office of Economic Development, and has been here 7-8 months. He was selected by stepping into place as Event Coordinator moved on and we had a major bike race, Cameron stepped in and took the rein and did an excellent job.

PUBLIC COMMENTS: ■Cozzens – we have a CICWCD board meeting each month, I want to give an update, we got data from USGS, a five year water surface elevation change, we know the aquifer continues to drop. We ask what we can do to reduce that amount. The challenge is it comes down the canyon with silt and it goes to Quichapa and it is clay and we waste millions of gallons of water. We tried to do recharge efforts in that area, but Quichapa is so contaminated, the TDS is so high that we were looking to take water and pump it up the canyon, the challenge we had is it was so high the State would not allow us to do that, they were afraid it wouldn't filter out the dissolvable solids. There is talk about that issue and ideas to explore. A lot of the silt and sediment is gone by the time it gets to Quichapa. By the Airport there are different monitoring wells, over the years the levels have either dropped or come up, -1 +1, +1.38, -2, the fascinating is that City Engineer has took water from Coal Creek during the months of December to April, 1500 – 2500 acre feet of water, he has excavated channels parallel to the freeway and channeled the water there and we percolate, where he has done that it is up 20 feet the water elevation in that area. It is evidence of what recharge can do. A challenge we have had in the valley when we look at gravel pits, I need to investigate why the FAA has been critical of us using the gravel pits as recharge because of the fowl it draws in, but many airports have water around them such as the Salt Lake International Airport. Right Hand Canyon, Cedar owns a parcel of land, the National Guard has offered to help with excavation costs and we would like to do a sedation pond so in high water and flash flood we close it off and allow the water to go by and we let the water settle. By Bicentennial Park there are areas we could excavate and make two more de-sediment ponds and then decide where to put the water. It is working and kudos to Kit for what he has done. Those are a few things we are working on. We would have to come up with an interlocal agreement to do the work on the property up the canyon. Rowley – Kit how long before the basin would have to be dredged out? Kit – that is the problem with the basin up the canyon, you don't know what water when would come down. If it is well managed you will only have larger stuff in there that won't impede the percolation or it won't last long. Cozzens – there is material that can be crushed. If the material comes down stream it does it for us. We want you to know we are looking at options. There are a lot of things we are working on as a Board.

Paul Monroe – I appreciate the Board. We were able to go to Phoenix and see the recharge pits, but they do pump the water in. We were doing some research and getting with USGS we found this and it is telling in our own valley what can be done and the efforts we are trying to do to boost the aquifer. I want to commend Kit for his foresight.

■ Robin Haight and Wade Grimm – Concerned citizens trying to create impact on upcoming elections to consider ideas we are going to present. The Days of 47 are a great time to celebrate heritage. What we do here may be remembered forever. We are asked to identify and correct problems. I am a dentist, I look at a mouth of 32 teeth and I identify problems, fix them and help prevent future problems. Wade does the same as a master mechanic. We feel that it may have created conflict with council and staff with opinions. We would like to address that our concerns are very valid and we have gathered information. We find there is a lot of production and plays and if the curtain is never opened to present the play what good is that. We are asking for not so many secret meetings and make it more transparent and it would be better. Mayor – we have asked to meet, you haven't had a time. We have asked for a list of the concerns and you won't and haven't given us a list of items to sit down and discuss with you. Robin – we asked to get on the agenda. Mayor – it is an action meeting and it is for action on items. Robin – we want to have the Council there, not just staff and attorneys. Mayor – we have asked for a list of things we can take action on. Robin – I have a few listed here today, it is not a long list. Mayor – we want to have the information in front of us so we can have meaningful discussions. Cozzens – secret meetings are illegal and we don't do that. If you are referring to staff they meet all the time and they are not secret. Robin – we are not invited, you don't invite citizens and reporters. Paul – they are notified of all public meeting. Robin – are they invited to pending litigation? Mayor – they are closed meetings, there is a list of things that we can have a closed meeting to discuss, but anything that we need to take action on will come before the open & public meeting. Robin – there are a lot of meetings we are not invited to. Marchant – I want to know about the secret meeting, because I am missing out. The fact is there are none. Robin – you are saying there are not meetings we don't have an open invitation to. We want it as open as possible. Marchant – we don't send out public invitations when John and I are having lunch. Black – share with us what it is? Robin – you have closed meetings that we are not invited. Black – that is statute, by law we are able to do that. Robin – I guess I don't understand. What I gather from an agenda when we are not privileged to be involved. Black – no one is. Robin – why? Black – it is law. Robin – there are a lot of laws in the city that are not enforced. Mayor – continue. These are the reasons it would have been beneficial to meet earlier. Robin – we think transparency is important, we have spray paint and if we asked Don Marchant to spray it on a stained glass window in town and it would obscure the stained glass window. The notes from these meetings are prepared, but not on line since June 10th. The DVD's are useful and helpful. I see that June 10th is the last time the minutes were available on the internet for people to review, can someone help us to correct that. Black – legally they are not posted until they are voted on by the Council, but then then can be posted. Robin – like candidates have to show where the contributions come from, we would like you to show where staff members are working for outside entities and getting paid beyond their salary and compensation, or change the ordinance where engineers or other special people can't work for outside people and get paid and we would appreciate that and it would be more

fair and reasonable. Black – we do have a requirement if anyone has outside employment that conflicts with their job they have to have permission from the Mayor and Rick. Paul – The public employees' ethics act where they also have to have disclosure. It requires disclosure if they have substantial interest, employees are educated when they start their employment, same disclosure is made. Robin – do you as the enforcement officer verify if that happens? Paul – it doesn't require on outside employment, but it does require substantial interest. Robin – we are concerned if developers come in and have a lot more money than we do and they petition help from engineers or assistant engineers' or attorneys on staff if they are paid beyond their staff salary, that creates a conflict of interest that we want that cleared up so it is clear and reasonable. Cozzens – are you implying that happens? Robin – I am saying it could according to the City Engineer description of his job, he could go on his own time and work and get paid and wouldn't have to disclose who he works for or what he is paid. It fosters unfair competition that is not fair to everyone in the City. Just like campaign contributions, they need to be declared and acknowledged, I find it an unfair advantage for someone to buy time with someone that can make a decision as monumental as an engineer or attorney make. Mayor – you know who makes the decisions, ultimately the five gentlemen are the ones that make the final decision. Robin – we would appreciate them considering that and also the candidates that are here, we think it is a conflict of interest for someone to be paid outside their regular job and get compensation that may not be fair to all citizens. We want to show you a few things, this is a box when I went to Mrs. Cherry's family garage sale, I bought this because my son-in-law has a wood shop and like to make things. It looks like an outhouse, we want to show that it may not be the pioneer heritage; we want it to be better, project by project. When you open it up there is a mouse trap that springs and it falls apart. I am saying that some of the homes with sewer issues are ones people move out soonest. I talked with someone with the sewer and they moved out. We are concerned about sewer items. We ask that a thorough analysis be done.

Wade Grimm – on Pioneer Heritage and a previous article on patriotism, we want to thank the Fire and Police Department with the rain and dry we haven't had disasters. We lost a great man last week Ron Durnat and he did a lot for the city and people in the city and his only condition was anonymity. I would like a moment of silence for him. If we want to make a modern day statute he would be a hell of a good guy to do that. Thanks for your efforts. We have seen an improvement on the minutes on the web. I have people ask all the time to have the minutes on line. There are a lot of people concerned and they ask questions I can't answer. We would like everyone to carry on the pioneer spirit, if there is a problem let's solve it. I wish you success at what you do. We are not here to create hate; we want to solve problems before they happen. I have spent a career not only to fix things that break, but to find problems before they happen. We appreciate your efforts. In response to the meeting, we all have busy schedules. Mayor – I am well aware, but it still stands that we will meet and go over problems.

■ Scott Jolley, Upper Limit Aviation – we did a decibel at 5600 north, the VOR we thought was the problem was not, we had less noise than the substation. That was not the challenge. We met with the gentlemen, we did a flight and when we were looking at traffic patterns, we had a flight going over at 1700 feet and they were doing VOR work,

and they were following power lines. We have not heard from them since we met with them. Rich said the meeting went very well. They have had other concerns such as farm animal noises. Marchant – we appreciate the follow-up. When people come together it is better. ■ Mari Pryor – two of my best registrars came from California to go to the Aviation School, it is bringing in some great people. It has been a while since I have been here. I have brought this up for years, I have lived by Canyon Park for about 40 years, and don't get me wrong, I love the park. After the July 4th weekend I had concerns about children's safety. It won't be an easy solution. When they built the park, there were 11 parking stalls across the back, there are now 31 more stalls, it is 42 cars and it is a lot of traffic, there is never enough parking the only walkway is down the center of a two way street. I appreciate you painting no parking on the side of the driveway. At the end is a curb and wipes out visibility. The stop sign is so faded you can't read it and it is about 10 feet tall, and no one stops there. Sometimes I set out there and yell, the only time they stop is for a car. The north side of the entrance by my house is well kept and you can see, but the side from the south is a total disaster and people are taking their life in their hands because of bushes. There are no lights, they put the transformer in my lot, but there is no light at the entrance or at the parking lot. The street and ditch are a hazard, when it gets smelly in our yard we go clean it out, I am not sure the responsibility of the ditch, everyone I talk to says it is another department. Also cars throw out their garbage. Because it is dead end and secluded so the police don't drive around it as much. It is visited with as many people as Shakespeare. From Easter, Mother's/Father's Day, SUU and high school graduations, summer reunions to Thanksgiving, there is something there every weekend.. Last year Wal-Mart held their National Employee Recognition Party, and SUU held their State Board of Information Technology conference there and it bothers me that it is the first and only impression of Cedar city. It appears to me that we have got to get more property for parking and sidewalk for pedestrians. I brought this to Mayor Sherratt's and Mayor Burgess' and he tried to get the people to the South to trade property. There are 4 or 5 homes for sale now, I don't know if it is possible to make a trade. I wish you would all drive over there and watch. Rowley – is there a speed bump in the driveway? No. Marchant – I have been up there and looked at the South side. I have not realized some of the things you have pointed out. Cozzens – there is some rock at the side of your wall, could we maybe put a sidewalk there and move the stop side. Mari – it isn't wide enough. Mari handed out a letter, it is attached as Exhibit "A".

CONSENT AGENDA: (1) APPROVAL OF MINUTES DATED JULY 1 & 8, 2015; (2) APPROVAL OF BILLS DATED JULY 18, 2015; (3) APPROVE VACATING AND AMENDING A PORTION OF THE CEDAR VIEW PROFESSIONAL PLAZA LOCATED IN THE VICINITY OF 1225 NORTH, NORTHFIELD ROAD – GO CIVIL ENGINEERING/PAUL BITTMENN; (4) APPROVE FINAL PLAT FOR THE PROVIDENCE TOWNE CENTER PUD – INSITE ENGINEERING/PAUL BITTMENN; (5) APPROVE VICINITY PLAN FOR SYCAMORE TRAILS PHASE 2 PUD – GO ENGINEERING/KIT WAREHAM; (6) APPROVE DECLARING VEHICLES AS SURPLUS PROPERTY AND USING THE FUNDS TO PURCHASE A WATER TRUCK FOR THE STREET DIVISION – JEFF HUNTER; Rowley – What is the bill for Century Link cable damage, \$1,000? Jason – I think we damaged something. Kit - it is the intersection by South Elementary, it was

marked wrong on Blue Stakes, we split the cost with Century Link. Nevco remote controllers? Rick – we will look. MG Main – Kit – they do the maintenance on our railroad crossings, there are three, one by Fabral in Industrial Park, one at 200 North by Gen Pak, and one at Cross Hollow Road.

Councilmember Black with question on the controller answered, moved to approve the consent agenda items 1 through 6 as written; second by Councilmember Black; vote unanimous.

CONSIDER AN ORDINANCE ZONE CHANGE FROM MASTER PLANNED DEVELOPMENT (MPD) TO R-1 ON PROPERTY LOCATED IN THE VICINITY OF 2300 NORTH 1200 EAST – GO CIVIL ENGINEERING/PAUL BITTMENN:

Heath Oveson – this is the remainder of the undeveloped portion by the flood channel owned by Dave Smith. The SUU property is not included, they declined. MPD is no longer a zone, and it is in accordance with the master plan.

Councilmember Black moved to approve the ordinance changing the zone from MPD to R-1 on property located in the vicinity of 2300 North 1200 East; second by Councilmember Cozzens; roll call vote as follows:

Ron Adams	-	AYE
John Black	-	AYE
Paul Cozzens	-	AYE
Don Marchant	-	AYE
Fred Rowley	-	AYE

ADJOURN: Councilmember Marchant moved to adjourn at 6:48 p.m.; second by Councilmember Cozzens; vote unanimous.

Renon Savage, MMC
City Recorder

EXHIBIT "A"
JULY 22, 2015

July 2, 2015

Councilman Don Marchant
Cedar City Council
Cedar City, UT

Dear Sir:

I need you to consider a dangerous children's safety concern at the West Canyon Park. I have brought this to the City Council numerous times, with no solution, when Mayor Sheratt and Mayor Burgess were in office. However, after a three-day holiday—it is crucial that I address it again—as I watched cars zooming in and out of the West Canyon Park narrowly missing children and pedestrians as they jump out of the way. There are several hazardous issues with the Park:

- 1) Thirty-five years ago, when the parking lot was constructed parking stalls were drawn along the East Side for 11 cars, for a Neighborhood Park only; which was the promise to the property owners who sold their back lots for the park. After many years, the park grew into a main site for: Family and Class Reunions, Ward and Street Parties, Field Trips, Beginning Point for Bike Races, Hiking Clubs, Company and Government Parties, and Church and School Socials, of 50 to 200 people. Now 31 more parking stalls have been painted along the West Wall and in the Center (42 total), barely leaving cars room to back out or turn around. Even with the cramped parking lot, there is not nearly enough parking for park patrons, forcing cars to park parallel up and down both sides of the block North and South of the Entrance and then they walk into the park.
- 2) The **only** walkway (because of no sidewalks) for kids and pedestrians is right down the center of a narrow two-way street with a blind curve at the end with no visibility for either the cars coming and going or the pedestrians walking in and out.
- 3) The STOP sign is positioned before the sidewalk, about 10 feet tall (which is only visible from a Monster Truck). The sign is so faded, the letters in STOP cannot be seen, when the sun is shining from the west in cars eyes. Maybe, one out of 10 cars actually stop going out the driveway and that is usually 5 feet past the sidewalk only if another car is coming.
- 4) Children and Pedestrians walking up the sidewalk from the Northside entrance into the Park can be seen by a stopped car; however, people trying to walk down the sidewalk from the South are putting their lives in danger trying to maneuver the sidewalk, without tripping or getting an eye or face injury (from the overgrown bushes); not to mention not being visible to the exiting or entering speeding cars.
- 5) There are no lights at the entrance to the park, on the sidewalk, or on the street leading in and out of the park to spot foot traffic. There are only a couple of lights that have been added to the park far, in back, because the original agreement to the property owners was it would be closed and locked at dark.
- 6) The street and ditch are also hazards because they are never cleaned out unless done by myself and my husband when it smells in our yard. When limbs lie in the road from all the dead trees on the south side, the park employees drive in and out (usually two to a truck) running over them without stopping to clean up any trash. When asked why, they said it belongs to the city street department, and the ditch belongs to the water department (basically no one is responsible). When the ditch becomes full of standing

rain water, leaves, and other garbage thrown out of car windows, it becomes stagnant and we are afraid of contamination and misquotes carrying diseases. Consequently, we get shovels, big trash bags, gloves, and masks and clean it out ourselves. Imagine the reaction to the filth and smell of the ditch of visitors walking in and out along by it?

- 7) Because it is secluded and a dead end—the Canyon Park is not monitored the same as other parks that can be driven by. The police cars only drive in occasionally and usually after they have received a complaint of rowdy or intoxicated people late at night. We have been awakened to beer bottles being thrown at the trash cans to shatter.

In addition to the safety problems of the parking, entrance, and sidewalk, there is also the negative impression to tourists and people visiting or moving to Cedar. There are people who come there to attend the functions mentioned above from all over the state, country, and the world. From Easter, Mother's/Father's Day, SUU and High school Graduations, Summer Reunions, to Thanksgiving, there is something held there every weekend and most week nights. Last year, Wal-Mart held their National Employee Recognition Party with Company VIP's and the SUU Computer Department hosted the State Board of Information Technology Conference and held a BBQ at the park. As they park on 400 E and enter, it is could be their first and only reaction and impression to the convenience, beauty, and safety of Cedar City's and it's recreation facilities.

It appears to me (and to most of the people visiting the park), the City needs to buy more property and expand the parking lot, entrance, and make a pedestrian sidewalk, with lighting. I know the property owner to the south (with the caving in and overgrown sidewalk, dead trees, and shrubs) has been approached to sell or trade for another house in the past (which she declined saying she wanted similar location, garden spot, and irrigation water). However, there is now a house for sale, two houses south, with those same features which could possibly be purchased by the City and traded for the house by the park driveway. Or the house could be condemned by the city (I am sure the trees and yard with no water and care are a safely or fire hazard), and purchased.

I believe you are all intelligent and caring Councilmen, who I know are concerned about the safety of children and pedestrians in the community walking in and out of the park and the impression of tourists and dignitaries visiting Cedar City and the Canyon Park. I am confident you will be able to determine a solution to this dilemma. Thank you for your consideration to this critical matter.

Sincerely,

Glen and Meri Pryor